



THE
CASE

OF

THE CHURCH OF IRELAND

STATED,

IN A

Letter,

RESPECTFULLY ADDRESSED

TO

HIS EXCELLENCY THE MARQUESS WELLESLEY,

AND

IN REPLY TO THE CHARGES

OF

J. K. L.

BY

DECLAN.

DUBLIN:

RICHARD MILLIKEN, GRAFTON-STREET,
BOOKSELLER TO HIS MAJESTY,
HIS ROYAL HIGHNESS THE DUKE OF CLARENCE,
HIS EXCELLENCY THE MARQUESS WELLESLEY,
AND THE UNIVERSITY OF DUBLIN.

1823.

CASE

THE CHURCH OF IRELAND

REPORT

1850

RESPECTFULLY ADDRESS

TO THE MEMBERS OF THE HOUSE OF COMMONS

IN DEBATE ON THE 11TH

1850

1850

1850

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ADVERTISEMENT.

The Author, residing at a considerable distance from town, did not see the letter of J. K. L. until four weeks ago, when it was lent to him by his good friend, the Rector of ———. After he had noted some observations, he was informed that an answer was on the eve of appearing. He then reduced his scale of discussion; and is happy to find, for his own sake, that the topics he has retained, are but slightly touched in that eloquent publication.

December 10th, 1823.

ADVERTISEMENT

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London: 1800. 1800.

TO HIS EXCELLENCY

THE MARQUESS WELLESLEY.

MY LORD,

It is recorded of an illustrious Athenian, that when assailed by the applauses of a faction among his countrymen, he was accustomed to exclaim, "What evil have I done." Phocion had done no evil—he was praised, because he was not known—he penetrated, and he despised the motives of their adulation.

In the present circumstances of your Excellency, there is much to recal the saying of that great and upright man. There is a party among your countrymen, who persevere in heaping on you the contumely of their approbation. They eulogize, because they cannot, or they will not, understand you. Occasionally, indeed, they have their misgivings, and then, the terms upon which their countenance is to be expected, are stated with

insulting freedom. But their favorite policy is to act upon the assumption, that you could condescend to the ignoble ambition of meriting a low and factious popularity.

These pages have been occasioned, by a letter to your Excellency, from a leader of the party to which I allude. Like that writer, I avail myself of a freedom of address, which, by time, and the wise moderation of the Government, has now grown into a right of prescription. It shall be my study to respect the privilege; and remember the high presence in which I have placed myself. Nothing, I trust, shall escape me, derogatory to the great station, or the greater name, of the Marquess Wellesley—nothing alien from the thoughts of that patriotic Viceroy, who came hither, not to change, but to administer the laws; not to think, or to feel, with, any of our parties, but to think, and to feel, for, and to moderate, them all.

In pursuance of this resolution, I pass over many of the topics, which that writer (J. K. L.) has thought proper to introduce. He devotes much space to the expression of his feelings—feelings which, it seems, have been wounded without provocation, but with which, probably, your Excellency does not sympathize. He is equally diffuse upon certain polemical subjects, but your Excellency has little leisure, possibly little taste,

for scholastic discussions. He expatiates, also, upon the late miracles, and, could tell, it seems, of many more, if he thought it prudent. Perhaps your Excellency approves of his reserve : perhaps you believe that he might say of his miracles, as Pyrrhus of his victories, “ a few more such, and I am undone.” Lastly, he has indulged himself in various grave and well-supported charges against the clergy of the established church. In many passages, they are enormously rich, and their wives have trains to their gowns!—in others, they are useless, and no gentlemen, because they are poor. In others, they preach the dogma of exclusive salvation. In one page, they are a selfish and subtle generation,—and again, in another, they are simple enough to give secret-service money to the Rockites, for destroying their tithes, burning their houses, shooting their proctors, and banishing themselves. He, doubtless, brings these charges to recommend himself to your Excellency, as a person of sense, veracity, and good feeling.

This writer styles his production “ A Vindication of the Principles of the Irish Catholics ;” and had he confined himself to a vindication, I should not now have intruded myself upon your Excellency. May I be allowed, however, the opportunity of observing, that the vindication comes from no competent authority. The Protestant mind of the empire has been long decided upon most of the subjects which J. K. L. discusses ;

and whether its decision shall ever be altered, must depend upon circumstances, very different from the arguments or assertions of J. K. L.

The character — or the doctrine — or the discipline — of a sect of Protestants, may be judged by the declarations of its ministers for the time. There is no permanent standard to measure — no external authority to control — their principles. With them, religion is, in truth, but “the Cynthia of the minute,” and can be caught only by immediate observation. The fanaticism of Protestants, (when such there is,) has no principle of continuation or transmission — it appeals only to passion, and passion is as brief as it is violent — the higher the first swell of emotion in such a party, the sooner it subsides to the calm level of indifference. A fanatical party of Protestants is essentially a mob — the flame is as gross as the fuel is perishable — there is nothing of that pomp and circumstance, nothing of that magnificent and dazzling illusion, which gives dignity to intrigue, and almost makes ambition virtue. Thus, it appears, that whatever is dangerous in Protestant dissent, will generally pass away with the author or the occasion; and the Quaker, the Anabaptist, or the Covenanter, of one century, has little in common but the name, with his co-sectary of the preceding.

All this is different in the church of Rome. Here we cannot appeal, as J. K. L. would wish

us, to the genius of the age, or the political circumstances of the world around us. Here we are no longer at liberty, to resolve a church into a confession of faith---an ecclesiastic, into the functionary of a government, or the minister of a congregation. The papacy has a double aspect---like every other church, it has a confession of faith---but, unlike every other, it has pretensions to secular dominion; and to these latter, its theological creed has, now for twelve centuries, been uniformly subservient. The papacy is a state; and, as such, is no less worthy the contemplation of a statesman, than any other that has ever existed. It displays a constitution as well organized---a knowledge of human nature, as profound, and a system of laws as well adapted for its own purposes---as that which is justly the pride of Britain. In this well constructed and well regulated economy, the most obnoxious of those statutes, which have awakened the alarm or the disgust of Protestants, are sanctioned by the supreme authority of the constitution, and enclosed within the sacred fence of infallibility. What would your Excellency think of a judge, however profound---of a bench of magistrates, however upright---who should abjure an Act of Parliament? Of precisely the same value, in the Roman church, are the protestations of any man, or any body of men, against the laws of their hierocracy.

Thus, my Lord, there is something in the

essence of that church, which will not permit Protestants to banish all apprehension. They fear, that whatever has been true of it, at any time, since it advanced the disastrous claim to infallibility, must be true as long as the church has an existence. External circumstances may control its external acts ; but there will remain a spirit, unbroken and unreclaimed. The papal system is a living and enduring organization, into which new masses may, from age to age, be vitally incorporated. It addresses itself, not to passion and caprice, but the abiding principles of sense and imagination. The enthusiasm it inspires was not felt by the inspirers — if it were, it might be as transient as that of a sect of Protestants. The master spirits of Rome were cold, subtle, and calculating men, who, deadening every impulse but that of ambition --- divesting themselves of human nature, that they might the more calmly examine it in others --- applied their knowledge to the attainment of universal dominion. Accordingly there never was, and there never will be, a scheme of Christianity, in which the human adjuncts so forcibly impress, and so entirely occupy, the mind. Even in adversity it contrives to fascinate and sustain the imagination, by impressions of suffering, but unsubdued, majesty. Examine, my Lord, the character which the Roman Catholics under your government are at this moment exhibiting. Like the Jews of old, they consider themselves, and they are taught to

do so, even by J. K. L., as exclusively the children of the Divine adoption. They believe — they are made to believe — that to them alone belong the Testimony and the Covenant, the Priesthood and the Presence ; and like the Jews, they are still in expectation of some signal interference of God for his people. They are, it is true, under a temporary bondage, but they have faith in the prophets, that their redemption draweth nigh : the light of the Divine countenance has been withdrawn from them for a season, but miracles are wrought to re-assure their hearts, that, like a sun-burst, it will soon again shine out on them, and that they shall abide, unmolested, in the brightness of its glory.

It is not, alone, by the multitude, that such hopes are entertained, or by the priesthood, that they are encouraged. No order amongst them is unvisited by the expectation. Even in the days of their humiliation, the vision *would come*, and now it is caressed and invited to return. Minds which, under other circumstances, would have consumed their energies in the gaities of the world or the devotions of the cloister, are now alive to new wants and new enterprizes. What, my Lord, does their own voluptuous poet say, in excuse for his remissness in the cause of the people?

“ Then blame not the bard, if in pleasure’s soft dream,
He strive to forget what he never can heal ;

Let a hope but appear, let a vista but gleam

Through the night of his country, then mark how he’ll feel.”

If then, my Lord, Protestants are moved by these things, they are not to be called (though J. K. L. has no better names for them) bigots, intolerant, or of a persecuting spirit. Their emotions do not arise from any wilful or uncharitable incredulity; reluctance and regret are mingled with their conviction. They offer no disrespect, nor do they intend any, to the feelings or principles of Roman Catholics — they can respect even an enemy — but they have as yet no sufficient security, that their fellow-countrymen are cordially their friends. Whether this security will ever, or can ever, be given — whether the genius of the Roman church will admit the solemn disavowal of tenets which have been once solemnly put forth, is a question for the members of that church to determine. In the mean time, Protestants must believe, that obligations, in themselves the most sacred, are strongly opposed to the consciences of the papal priesthood; and whatever credit they may give to J. K. L. for the sincerity of his renunciations, they strive in vain to discover his consistency.

One of the imputations, disclaimed by J. K. L., relates to a subject which is to occupy a great portion of the following pages; it is therefore necessary to mention it here. A suspicion lingers in the minds of Protestants, that the Roman clergy has not resigned its pretensions to the temporalities of the established church. J. K. L. labors to remove this suspicion; and to prove his sincerity,

he gives an argument against tithes, which "the Catholic Association" has voted to be demonstrative. Your Excellency may judge from the subjoined remarks, whether those, who still doubt, should at once be called incredulous.

The following passage is copied from a Roman Catholic Journal, (*Dublin Evening Post*, Nov. 5, 1822): --- On Sunday last, the *induction* of the Rev. P. Mc. Namara to the Roman Catholic deanery of this diocese (Limerick), took place in St. John's Chapel, before the most crowded assembly ever witnessed within the walls of that edifice. The Right Rev. Doctors Tuohy and Mac Mahon attended in full canonicals. *A very appropriate sermon* was delivered by the Rev. Mr. Griffiths, wherein *he forcibly animadverted upon the modern levelling system, directed against church dignities and property.* He passed a handsome and well-merited encomium upon the new Dean, and then proceeded to read the Bulls which were directed to the R. C. Bishops of Limerick, Cloyne, and Cork, charging these dignitaries, or any of them, to see them duly executed, by the canonical induction of the above very reverend gentleman."

This article might give rise to various conjectures; but whatever may be of doubtful inference, thus far is certain, that the reverend preacher and

his dignified auditory do not agree with J. K. L. in their notions of church property.

There is still another, and a more weighty, circumstance. The Roman Church has added to the commandments of God, six others, as of equal authority. Of these "Commandments of the Church," one is "to pay tithes to our pastors." So the precept stood in the earlier editions of the Roman Catholic catechism; in the twentieth edition (year 1817) it is modified into "to contribute to the support of our pastors;" but in the twenty-second edition (year 1819,) the original words have re-appeared. It is obvious, my Lord, from this fact, that the question of tithes has occupied, very lately, and very seriously, the attention of the titular hierarchy of Ireland. Whatever determination they may avow upon the subject, there must remain, for the government and the public, matter of grave and anxious consideration. If the command, to pay tithes, has proceeded from the supreme authority of the church of Rome, it can be repealed or modified by no lower authority. The renunciatory statements and arguments of J. K. L. will, in this case, only confirm suspicions of a still more distressing nature, "against the religion and policy of the body to which he belongs." If, on the contrary, it should appear, that this and the other "commandments of the church" have issued only from the titular bishops of Ireland, a new source of embarrassment will be

opened. These commandments bind, under pain of mortal sin, a kind of sin, as it is taught, "which brings everlasting death and damnation on the immortal soul." Who will not pause to consider of these things; and who, when he has considered, can say that he is satisfied? A power over the conscience, armed in all the terrors of that awful Being who proclaims himself a jealous God, is assumed by a few private men; and the matter of obligation may be changed at pleasure, silently and suddenly, according to the greater or less moderation of individuals, perhaps according to the exigencies of a controversy, or the speculations of secular ambition.

Thus far, my Lord, I have considered J. K. L. as a member of an artful and domineering Hierarchy. Henceforward he appears in another and more humble character—as the cheap, perhaps the unconscious, instrument of a political faction. In this capacity, he is put forward as the author of "an Essay on Tithes," which the leaders of that faction have styled unanswerable. Great advantages are expected from the singular—the almost miraculous—phenomenon, of a Papal bishop protesting against the temporal claims of popery. After four centuries of possession—after three centuries more of attempts at recovery—that "grey iniquity," the Roman Catholic Church of Ireland is seized with the pangs of conscience; she confesses, by the mouth of a favourite son,

that the ecclesiastical revenues in this country are derived from fraud, from treason and hard heartedness to the poor; in the agony of her contrition, she turns king's evidence, and supplicates for judgment upon her intrusive successor. This confession, it is hoped, will be generally edifying; and, accordingly, the production of J.K.L. is destined, as we are informed, for circulation in England.

The arguments of J. K. L. — or confessions of Mother Church — are of a novel nature, as we are told by high authority: — their exordium is certainly in a novel style. Your Excellency will allow me to transcribe the words.

“Tithes in this country, my Lord, should always have been odious; they were the price paid by Henry II. and the legate Paparo to the Irish prelates, who sold for them the independence of their native land and the birth-right of their people: until that period, tithes were almost unknown in this country, and from the day of their introduction, we may date the history of our misfortunes; they were not the only cause, but they were an efficient one, of all the calamities which followed; and whilst they subsist, peace and concord will not be re-established in Ireland.”

An orator yourself, by nature and by the discipline of our most illustrious school, your Excel-

lency is prepared against the arts of orators ; yet you must have, at least, admired the bland and wily dexterity with which this master labors to win you over to his side. The Viceroy of a British Sovereign is called upon to acknowledge that tithes should have always been odious in this country ; — and the argument employed is — that they are historically connected with the introduction of British power : he is informed that the history of Irish misfortunes may be dated from the day of their establishment, that is, from the first act of the British dynasty ; and, in conclusion, he receives a warning, or a threat, or a prophecy, that while they continue there will be no peace or concord in Ireland. J. K. L. is an intelligent man, and, as far as technicisms can make one, a rhetorician ; but if he be averse to British connexion, or duped by those who are, it is only natural, that on the subject of tithes, his associations should be too firmly linked, to be dis severed by Quintilian or a sense of decorum. In the mean time, those who differ from J. K. L. will be excused, it is hoped, for equal consistency. It was said by a celebrated legal character, that tithes were the great stay of our connexion with England ; and the saying does credit to his penetration. But this, my Lord, is in itself an extensive and important topic, and, with your Excellency's permission, shall occupy a second Letter. My present concern is with the rights, not the advantages, of the establishment.

J. K. L. has not been just to the Irish prelates of the time to which he refers. One might have expected, that their submission to the Vicar of Christ, to the head of that Church out of which there is no salvation, would have obtained, at the hands of a papal prelate, if not canonization for their bones, at least truth for their actions, and charity for their motives. But such things are curious, as measures of the strength of the "Anti-Anglican feeling."

The following, my Lord, is a brief but faithful sketch of the circumstances which led to the formation of our church establishment.

Before the Danish invasion, the church of Ireland had considerable possessions. Its revenues were derived from lands, not from tithes. Our national writers are unanimous in representing the island as studded with bishops' sees, colleges, and religious houses, numerous beyond the example of other countries, and rich according to the circumstances of the people and the times. The ravages of the Danes commenced with the ninth century, and, for three hundred years, we lose all distinct notices of things, in one sanguinary chaos of rapine and revenge. When men began to recover from this dreadful visitation, it was felt that religion had suffered grievously. The horrors of intestine warfare, favorable, perhaps in single instances, to an austere and unsocial

piety, are fatal to the milder virtues; and three centuries of invasion might suffice for the corruption of the finest people. Nor could the clergy escape the general degeneracy. There was abundant time for the decay of discipline, of learning, and of manners; and the succession of a priesthood, supplied altogether from domestic sources, must have experienced no inconsiderable interruption.

The temporal condition of the Church was reduced equally. During the incursions of the barbarians, the retreats of religion had been the chief objects of their fury; and amidst the thousand necessities and temptations of such a time, the natives were gradually led to join in the spoliation. "The gentry of the old Milesian race were now worn out and degenerate;" (A) and their successors combined the ferocious brutality of the invaders, with those more dastardly and contemptible vices, which characterize a tarnished and decaying civilization. They did not allow, as is pretended by J. K. L. either birth-right or independence to the mass of the people; but held them in the most abject bondage of feudal servitude. Being now freed from other warfare, they turned their arms against the Ministers of Peace. Their favourite exploit was the burning of Churches and Colleges, and when a prince aspired to pre-eminent renown, he fitted out an expedition against those religious houses, which he suspected of re-

not
to
taining a wreck of their former possessions (B).—
Of the See lands, the greater part was seized by
the chieftains, and the remainder subjected to
heavy imposts for the support of their numerous
and disorderly followers. The better to secure
the temporalities of the prelates, they intruded
even upon their spiritual functions; the princes
of (C) the territory in which Armagh was situated,
usurped the title, as well as the demesnes, of “the
successor of St. Patrick,” and the example was
followed by some other nobles.

Such a state of things threatened the total extinction of a clerical order: the Irish Prelates
awoke to the necessity of devising some new
means for the revival of religion, and at length,
despairing of domestic relief, began to turn their
eyes to the See of Rome.

The ambition of the Vatican had long been mortified by the existence of one recusant Church in the West; and the opportunity of triumph, which now offered, was improved with even more than Papal skill. Yet half a century elapsed, before the Irish clergy could be induced to capitulate. At length, however, matters became ripe for negotiation: the terms were, of course, submission on the weaker side, and protection on the stronger; and as these terms could not be secured without the intervention of secular power, Henry was in-

vited by the Pope, and admitted by the Bishops, to become a party to the contract.

The first act of the new Sovereign was to ratify the proceedings of a Synod, which, among other things, passed the two following decrees :

“ That all the faithful do pay to their parish church, the tithe of animals, fruits, and other increase.”

“ That ecclesiastical lands be free from the exactions of the laity. In particular, that no prince, count, or other powerful man in Ireland, or their sons or families, do presume to exact, as was usual, victuals or entertainments in the demesnes of the church ; and that those detestable contributions, which were wont to be levied from church lands four times in the year, be levied no more.” (D).

Such, my Lord, as accurately as can be described in a small compass, is the history of the origin of our church establishment. It will be important to keep in mind, that the act, from which it is dated, is the very first act of the English dynasty. All property, in this country, is the creation of some English king ; and the first property so created, is that of the church. When the synod of Cashel was held, none of the native landholders had as yet been ejected ; but, since that time, every foot of Irish territory has been frequently

forfeited to the crown. The Norman and English knights, as they successively came into possession, and the Irish chieftains, as they were re-admitted under a new tenure, received their princely portions, with a reservation of this original grant. However the present landlords may have acquired their properties, the acquisition extended only to nine-tenths of the produce, and the title to it, when traced to the source, originates in the bounty of the crown of England. The title of the church, to its share, is prior in time, and equal in authority. The crown might have addressed all others, upon when it conferred property, in the words of Persius :

“ Sum tibi Mercurius — Vin’ tu gaudere relictis ?
Deest aliquid Summæ ? Minui mihi, sed tibi totum est,
Quicquid id est.”

J. K. L. thinks otherwise. Were his objections to be judged by their own merits, they might be dismissed as lightly, as they are presumptuously advanced. But he has received the thanks, and his reasonings the sanction, of the “ Catholic Association,” a body, which, as it is said, contains many able lawyers, and represents the mature judgments of six millions of people. What is thus recommended must be treated respectfully. The courtesy of your Excellency is tried by many an audience ; may I hope that your condescension will be extended to this ?

The arguments of J. K. L. may be reduced to these two heads :

That, in general, a Christian Church cannot have a just title to permanent property.

That the Church of Ireland, in particular, lost all title, at the time of the Reformation.

The first argument is given in the following passage :—

“ When tithes were assigned to the children of Levi, they obtained no land, and they were one of the twelve tribes, though not the most numerous, who had equal rights to the inheritance of Jacob. The surplus given them in the tithe, while the lands was withheld, was not considerable, and Judea though it flowed with milk and honey, was not, in the opinion of Grotius (and who was there more competent to judge?) ever rich in agriculture. The provision therefore made by Almighty God for the ministers of his ark, or his temple, was agreeable to the original right of the ministers themselves, and bore a just proportion to their number and services ; but when, in the fulness of time, the social compact of the Jews was dissolved, this ordinance ceased with it, and the right of tithes was extinguished by HIM, who substituted for that of Aaron, his own priesthood, according to the order of Melchisedec.”

Such is the argument which Mr. O’Connell has described as “ one of the most felicitous compositions” ever given to the public. Your Excel-

lency will probably smile at the panegyric ; but the critic had a debt to discharge, J. K. L. having called him Demosthenes. This *felicitous* author says that the Levites had a *surplus*—he intended to say that they had barely the tithe, but the word is a monument of the power of conscience. The Levites had many other, and great, emoluments. After the subduction of the first tithe, which was exclusively the portion of the Levites, the landholders were commanded to take a tenth of the remainder : this second tithe, together with the firstlings of the flocks and herds, they were to give up to the entertainment of the Levites and the poor. Again, the Levites had glebe houses and glebe lands ; they had no less than forty-eight cities in a moderate territory, with extensive demesnes in the suburbs. Again, the lands, which, among the Jews, were called devoted fields, became the possession of the Levites, at least until the price of their redemption had been paid by the proprietors. Still further, during the seasons of their attendance at the Temple, they were supported at the public expence. It were easy to add to this account ; but I have confined myself to matters, which are acknowledged by all reputable writers,* however adverse to an established priesthood.

But this, we are told, was only reasonable, the “children of Levi having equal rights to the inheritance of Jacob.” By *equal rights*, the author

* For instance, Selden and Lowman.

wishes us to understand a right to a share of the general patrimony, in proportion to their numbers. But what was this proportion? J. K. L. acknowledges that the Levitical tribe was not the most numerous; and this, all things considered, is a candid acknowledgment. But we look for greater accuracy. At the census taken in the plains of Moab, the males of the other tribes, of the age of twenty years and upwards, were found to be six hundred thousand. At the same time, the number of Levites, from the age of thirty to that of fifty, was eight thousand five hundred; and the total number of males from a month old, was twenty-three thousand. Hence we may infer that the Levites of mature age amounted to sixteen or seventeen thousand. If we suppose them sixteen thousand six hundred and sixty, the tribe of Levi was to the other tribes as one to thirty-six. But their income was to that of the other tribes, as one to nine—that is, their income, in proportion to their numbers, was *four times* as great as that of their brethren. This calculation, it will be observed, does not include, on the one hand, the *surplus* in favor of the Levites; nor, on the other, the various risks and expenses of agriculture, which were sustained exclusively by the other tribes. Were these taken into account, the portion of the Levites could *not be rated at less than six times* the portion of their neighbours. What becomes now of the equality of rights? Not, my Lord, of those moral and social rights, which are adjusted by a consideration of the duties to

be performed, and the station to be filled—it would be strange, indeed, if such rights were shaken, when God himself was the legislator—but of abstract, unmodified, metaphysical rights—the rights of a savage, what cannot be asserted among civilized men, without shivering society into its original atoms.

There is yet another instance of the *felicity* of his calculations. Judea, as it seems to Grotius and to J. K. L., was “never rich in agriculture;” hence we are expected to infer, that the portion of the priesthood was *comparatively* a small one. It never occurred to J. K. L., that the less men have, the worse they can afford to part with the tenth of it. Besides, the priests had the tithe of *all* encrease, and if they obtained but little in corn, the deficiency was supplied from the flocks and herds.

This, in an ordinary writer, might be considered as an error of inadvertence; but to J. K. L. it appears so happy a point, that he urges it a second time. He says (page 36), that at the time of the Reformation, “the value of tithes was small, owing to the state of devastation and ruin to which the country was reduced by the civil wars. It continued so for a considerable time. Cattle, not crops, was the produce of Ireland.” Here the answer is obviously the same as in the former case; the clergy had the tithe both of cattle and of crops; and their condition must be compared,

not with that of their own order in other times, but with that of the lay gentry in their own times. It was, in truth, one of the happiest provisions, in the original structure of the church establishment, that the circumstances of the clergy were always to maintain a due symmetry and correspondence to those of the people at large: in seasons of adversity, they were involved deeply in the general distress; why, when Heaven relented, and better times appeared, should they alone be excluded from a share in the amelioration?

In the preceding quotation, the last sentence was broken off abruptly. It was cruel to dismember such "felicity of composition,"—it would be downright Vandalism not to re-unite the scattered beauties. The whole sentence is as follows:—“Cattle, not crops, was the produce of Ireland, and the Irish Commons, by a wise vote, secured their grazing land from the inroads of the parson; had they foreseen the future state of the country, when by tillage she was to be rendered the granary of the empire, would they have assigned the tithe of this immense produce with all her princely domains to the church? I should suppose not, unless British wisdom and British justice designated other qualities than they do now.” Were this passage intended for irony, it would have some pretensions to the character of felicitous; as a specimen of serious argument, one does not know what character to give it. At a

time when cattle, not crops, was the produce of Ireland, *then it was* that the clergy who had a right to the tithe of both, were limited to the tithe of crops only—that is, to the tithe of nothing, according to J. K. L. The limitation, it seems, was a *wise* one—in one sense, it might be called wise; if the intention had been to annihilate the clerical order, the means promised well. But what, after all, is human wisdom? The Irish Commons did not foresee the increase of tillage; if they had, *they would have robbed the clergy of the corn-tithe also*. J. K. L. says they would, unless British wisdom and justice, in those times, were very different things from the qualities so called at the present day. It is not easy to discover how Britain was concerned in the factious and hypocritical spoliations of the Irish Commons: the information, however, is valuable, though given somewhat irregularly. We have J. K. L.'s opinion of British wisdom and British justice; and this opinion is adopted by “the Catholic Association,” a society of which it is the professed object to appeal to that wisdom and justice, for the removal of certain things which they are pleased to call grievances, and the restoration of certain things which they are pleased to call rights. What if Britain should tell them that their appeal, though quite consistent with their own notions of these principles, is inadmissible upon her's?

And now it is time to turn from the felicities of this writer's manner, and attend to the graver concerns of his argument. The paragraph first quoted (page 19,) in which the Levitical is contrasted with the Christian priesthood, is pronounced, by Mr. O'Connell, "to demonstrate the weakness and insufficiency of the title to tithes, as derived from divine right." If such were the design of J. K. L., he might have spared your Excellency much trouble. The Roman church asserts, as I have shown, a divine right to tithes; but her example is not followed by the church of England and Ireland; nor, indeed, is such a right in any respect necessary. The title of the Irish church ought not to be compared with that of the Jewish: each is to be compared with the title of the laity, under their respective constitutions. In the Jewish polity, the tribe of Levi had a divine right to tithes, because its right (like all the other social rights of mankind) was from the law; and the law was from God. But, in the same manner and degree, every other tribe had a divine right to its portion. The Jewish priesthood, then, had no better right than the laity; and, for a similar reason, a Christian priesthood may have no worse. In both cases alike, the Lawgiver spreads his shield equally over all classes of his people. Whatever difference can be conceived between the claims of the Jewish and of the Irish churches, as compared with those of the laity of their respective

nations, will be found in favour of the latter. The title of the tribe of Judah was not only co-equal, but co-eval, with that of Levi; but in Ireland, no title is as ancient as that of the church.

But the main force of the “demonstration” has not yet appeared. To say the truth, it lies in ambush, being concealed by the *felicities* of our author’s stile; and were it not for the treachery of some clever writers of his school, I should have fallen upon it unawares. No one has better reason, than J. K. L., to say, “Pereant, qui, ante nos, nostra dixerunt.”

This power in reserve is as follows. The Jewish priesthood descended in a family, among “the children of Levi, who had equal rights to the inheritance of Jacob,” but these rights cannot extend to the Christian priesthood, which is continued in a different manner, “after the order of Melchisedec.” Mr. O’Connell and his association have declared this argument to be at once “novel in its nature,” and “demonstrative” in its cogency. Its conclusiveness is a question of considerable moment, its novelty, of none. The learned gentlemen, however, are mistaken equally in the law, and in the fact. The thing is a poor sophism, and J. K. L. has not the humble merit of its invention.

An anonymous writer of some repute (*State of*

Ireland, past and present) has expressed it as follows :

“ I disregard, as an obstacle, the divine origin of tithes ; and disallow the claims of the church to them, as the hereditary property of those, whose clerical character is not itself hereditary. In Levi’s family, it might be just that tithes should descend, because the priesthood did ; but here they are, as they should be, the property of the state, which pays its ecclesiastical, as it does its civil, military, and fiscal officers, with equal powers of change, modification, and control.”

This is, at least, smartly said. Mr. O’Driscoll, also, has urged the point in good language. (*Views of Ireland*, Vol. I. page 115.)

“ There is some difference between the case of the land-owner and the case of the church. The former acquires the absolute property ; it is his sole right and inheritance, it will descend to his heir, he can sell and convey a title as absolute as he possesses. . . . In the church there is no inheritance. The clergy, for the time being, have rights annexed to their possessions, their right of property, for their lives is undoubted ; but they have no more than a life estate ; the fee, if we may so speak, is in the public.”

Your Excellency will perceive, that were it my purpose to lighten the task I have undertaken, I

have been very unwise in bringing forward these authors to speak for J. K. L. There is not much, however, in the “*œs triplex*” of the argument, to excite one’s apprehensions. What is asserted is erroneous — there are, in truth, as many errors as assertions. What is understood, is erroneous — and much must be understood, to make a continued sense. Lastly, were both true, the inference would be erroneous, which they seek to establish.

In the first place, neither the church in the aggregate, nor the parson of any particular parish, claims tithes as hereditary. The reason is, because, in the contemplation of the law, neither the church nor the parson ever dies; and where there is no demise, there can be no inheritance. The church, collectively, is a corporation; so is every parson separately; and by being so, “they maintain a perpetual succession, and enjoy a kind of legal immortality.”* This personification, and consequent perpetuity, is a principle admitted in all law, divine, civil, and international. It is thus that a state, as one person, transmits to posterity, rights and obligations, pleads and acknowledges the faith of ancient treaties. As the state, so the church, is one person to the constitution. Communities of Christians, not incorporated in a connexion with the state, are voluntary societies, which, in the contemplation of the legis-

* Blackstone, Book I. Cap. 18.

lature, have no vital principle of unity or continuation. But the act, which annexes one of them to the state, endows it with a participation of its own unchanging identity. The living organization is one and indivisible, although communicated successively to different masses; "and all the individual members, that have existed from the foundation to the present time, or that ever shall hereafter exist, are but one person in law, a person that never dies."*

Besides aggregate corporations, there are others, called sole, as consisting, at a given time, of a single individual. By the act of incorporation, these legal persons, like the former, are exempted from mortality, and invested with rights as perpetual as their existence. Such is the King, who to the Constitution, never dies. Such too, is the Parson of every Parish. "The law," says Blackstone, "has wisely ordained, that the parson, quatenus a parson, shall never die, any more than the King, by making him and his successors a corporation. By which means, all the original rights of the parsonage are preserved entire to the successor; for the present incumbent, and his predecessor, who lived seven centuries ago, are in law one and the same person, and what was given to the one, was given to the other."† It follows, therefore, that in the spirit of the constitution, the

* Blackstone, *ibid.*

† Blackstone, *ibid.*

clergy of the present day have been presented to their livings by Henry the Second ; that they have the same rights, which they ever had, to a tenth of all increase, and that no series of illegal vexations can accumulate into law against their original claims.

It is an ignorant and false assumption of these writers, that the tenure of the clergy is the same as that of military or fiscal officers. Such persons are supported by taxes ; the clergy by their own property. A tax is that *portion of the property of the subject*, which is levied by the state, according to its exigencies. The income of the clergy is no deduction from such property ; tithes never were part of any property now in existence ; and were the clerical order abolished, they would remain without a legal claimant. Those who call themselves landed proprietors, would have no more right to them, than a horde of Cossacks. On the other hand, tithes are, in the strictest sense, the property of the Church. By history, as well as by the genius of the Constitution, all property in Ireland is the gift of the British Crown ; the first gift was to the Church.

Again, civil, military, and fiscal functionaries have never been formed into corporations ; they have no franchises—no succession—no existence in the sight of the Constitution. Had such corporations been endowed in the days of Henry Plantagenet, and continued to the present time, *then*,

indeed, they would be analogous to the clergy, but *then*, it would not suit the purposes of those writers, to institute a comparison. In these days of military and financial importance, corporations of soldiers and fiscal officers, projected into society from the imposing back-ground of seven centuries of antiquity, would produce upon a more robust statesman than the author of the state of Ireland, an awe, if not religious, at least sufficiently reverential to check all intermeddling.

It is an error common to all these writers, to confound inheritance, in general, and inheritance by family descent. There may be various modes of incorporation, by which the several natural persons are successively transfused into that legal person, whom, for the time being, they represent. But this variety does not affect the continued individuality of that legal person, or the continued right by which it is accompanied. Nothing more is necessary for securing these objects, than that due provision should be made for the appointment of a successor to the demised individual—this being done, the person created by the law, is imperishable. There is no peculiar virtue, as is pretended by J. K. L. and those from whom he borrows, in succession or inheritance, by family descent. Without the benefit of a social convention, such inheritance has no existence. A family, considered as the possessor of property, is not a being of nature, but the creature of the law. It is,

indeed, a maxim of the law, that "lands are not naturally descendible." It is the province of law, to determine the order, in which the various members of a family shall succeed. Whether females shall inherit—whether an estate shall descend regularly in the line of eldest sons—whether it shall pass in succession to all the brothers of the same stock—or whether it shall be divided among them according to the system of gavel—all these are questions, which can be determined only by the will of the society. Still further, the character of those marriages, the issue of which shall be entitled to inherit, is altogether a matter of institution. We have only to cross the Tweed, (or now, perhaps, the Irish Channel,) and we shall find it different. Thus, the very words, "heir" and "inheritance," as they are used by J. K. L. and others of his school, are sophisms in themselves. They insinuate that consanguinity is an indefeasible right to inheritance, neither requiring law to confirm, nor admitting law to annul, its validity. Substitute for "heir," the full term "heir at law," and what is the amount of their arguments? The new bishop or rector is as much the heir at law of his predecessor, as a Levitical Minister was among the Jews, or, as with us, the young squire is, of his father or uncle.

Law, then, is decisive against the hypothesis, that lands descend in families, by natural necessity, or divine right: nor will history be found

more favorable. Originally, every species of landed possession in Europe was a benefice, that is, a usufructory tenure, held during life, or the pleasure of the Sovereign, upon condition of the performance of certain services. The property remained with the Sovereign, and upon the demise of his vassal, the use likewise reverted to him; he appointed a new tenant, or annexed the ground to his personal domains, at his own discretion. By degrees, the necessities of the Prince, and the ambition of the vassal, converted the benefice into a hereditary fief; but the transition was slow, and marked by several stages. At first, the eldest son was included in the charter of donation: then the grant was extended to a succession of eldest sons; and the transmission of female and collateral heirs is of a date still later. France was the first country in Europe, in which lands descended according to the present usage, yet even there, benefices for life continued to be granted until the middle of the ninth century. The same practice remained in Germany for four centuries after. “No circumstances,” says Robertson,* “relating to the customs of the middle ages, are better known than these.” So tardy in growth were those institutions respecting property, which it is now the fashion to regard as metaphysical rights, or innate ideas.

From similar necessities, or perhaps from more liberal views of the wants of human nature, and

* Life of Charles the Fifth, Introduction.

the purposes of society, the princes of the middle ages granted charters of donation to corporate bodies, and, among the rest, to churches. It was not the policy, either of the princes, or of the pope, that the clergy should be allowed to marry. Had the indulgence been granted, there is little reason to doubt, that the clerical character, accompanied by tithes, episcopal and abbey lands, *would have descended in families*. In this country, especially, where the authority of the Crown was little known, and less respected, the usurpation would have been a matter of easy achievement. Had this happened, J. K. L. and his associates, even Cobbett himself, could not, on their own principles, deny a right of property in a Christian priesthood. But, dismissing moral and religious considerations, and regarding the question only in a legal aspect, what would be the difference between a priesthood so constituted, and that which exists? No more than a difference in the manner of succession. Now the *fact*, not the *manner*, of succession, is what the law contemplates; it regards the affinity of natural persons no farther than as the means of determining, by certain instituted rules, the identity of the constitutional person; and when that identity is preserved, the law is satisfied.

Neither is it unknown, (although there is a decorum in true allegiance, which, except on grave occasions, will not suffer it to be recollected,) that the throne itself, the source of all property, does

not descend in necessary connexion with the course of blood. Our Sovereigns inherit, according to the statute of William and Mary, “for settling the succession to the Crown.” The succession is fixed in a family; but the order of succession is determined, neither by divine right, nor by the course of nature, nor by the line of descent in private families, but by the special provisions of the statute.

By this last consideration, the argument of J. K. L. and his predecessors is brought — where, doubtless, they did not intend to place it — into downright Jacobinism. They maintain, that tithes, not being possessed by family inheritance, but by law only, are therefore the property of the state. Now it appears, that in all kinds of possession, lay or clerical, private or corporate, of sovereign or of subject, it is the prerogative of the law, to create property as a permanent thing, and to trace the line of succession. The order, in which possessions shall be transmitted, is defined by no antecedent right, no rule of nature, no abstract necessity, but is strictly a matter of social institution; and without such institution there is no transmission or inheritance of any kind. As, then, the state alone can determine *what the order shall be*, so, according to these writers, it may determine *whether there shall be any*, that is, it may determine, whether or not *it shall keep all to itself*. And who, meantime, is this omnipotent state? Who but

the people, as they are called? All, who have property, are to be legislated for; all, who have none, are to be legislators. Property, in fact, is only an invasion of *the rights of man* — the invention of kings, priests, and ministers of state, to perpetuate the slavery of the people; and, as J. K. L. says, in the case of church property, *it should revert to the original proprietors.*

X I have now, my Lord, brought the church establishment to the time of the reformation; and, as I trust, brought it in safety. After all, I do not apprehend, that, *so far*, I shall find a *very serious* antagonist in J. K. L. He speaks of the “posessions of the *ancient* Irish church,” in terms of such softened animosity, that we may easily believe him “rather in sorrow than in anger.” To do him justice, his eye is steadily averted from an establishment; there is no “side-long look of love” at his reviving Eurydice—but he remembers the story of Orpheus:

“Jamque pedem referens casus evaserat omnes,
 Redditaque Eurydice superas veniebat ad auras,
 Pone sequens, (namque hanc dederat Proserpina legem)
 Cum subita incautum dementia cepit amantem,
 Restitit, Eurydicenque suam, jam luce sub ipsa,
 Immemor, heu! victusque animi, respexit. Ibi omnis
 Effusus labor.”

Henceforward, he is quite in earnest. His object is to prove, that the title of “the ancient

church," whatever it might be, has not legitimately descended to "the *Protestant clergy* : he does not like to call the establishment *a church*.

A very brief answer might suffice for this objection. Failure of title must arise from one of two causes ; the one, a legal forfeiture ; the other, a chasm in the legal line of succession. The former of these operated to the removal of the Roman clergy : let us see whether the latter can be asserted of the reformed. The case will stand thus : —

The church of Ireland, on submitting to the Pope, was invested with certain temporalities by Henry II. Again : —

The church of Ireland, on renouncing the Pope, was confirmed in its temporalities by Henry VIII.

If the investiture were valid, there is no reason for objecting to the re-investiture. The admission and the renunciation of Papal supremacy were equally essential, or equally unessential things ; and if the church survived the one, we may be allowed to believe that it was not annihilated by the other. There was no disruption of continuity at the Reformation ; the prescribed changes were adopted by a number of the bishops and clergy, quite sufficient to preserve the derivative character of the priesthood, and maintain the

requisite unity of organization. These circumstances, sufficient (as they would be) to prove the continued catholicity of the church, are abundantly conclusive for its continued identity, as a legal and constitutional incorporation.

J. K. L. rather insinuates, than presses, an objection to this identity; doubtless, however, it was intended to have its force. The church, before the Reformation, is called the Irish, the *ancient* Irish church; but from the time of Henry the VIIIth. to that of William the IIIrd., it is said to have been composed of “new adventurers” and “holy harpies” from England. The argumentative value of this objection is worthy of the spirit from which it proceeds; but it gives an opportunity for a few remarks. That many of the reformed clergy were Englishmen is true; but it is an opprobrium which they share with multitudes of their predecessors. Any, who look at the lists of our bishops and abbots before the Reformation, will find a great proportion of Norman and English names. Those who have read our history must remember, that the countries were connected but a very short time, when the native clergy complained of the number of *foreigners*.

The *foreigners* would have been multiplied, in the interval referred to by J. K. L., *even had there been no change of religion in England*. By the original convention between Henry the IIrd. and

the Irish bishops, the discipline of the Irish church was to be assimilated, *in all particulars*, to that of the English. (*Acts of Synod of Cashel.*) But, except within the narrow and precarious limits of the pale, the convention was disregarded; “the Irish clergy and people looked only to their own ecclesiastical rules, as if the Synod of Cashel had never been held.” * These rules, as they are called, were, in many respects, rude and indecent from the beginning; and, as centuries rolled on, they contracted more and more of the general barbarism, which prevailed among the Irish septs. It was not until about the period of the Reformation that English laws and English manners began to penetrate this country; and then, at length, the assimilation of the churches would have taken place. But, if in England religion wanted to be reformed, in Ireland it wanted to be humanized; the abuses were of such a nature, and so inveterate in the national habits, that they could not have been reclaimed, *even to the popery of a civilized kingdom*, without the removal of many of the priesthood. In this case, as well as in that which happened at the Reformation, custom, obstinacy, pride of country, or personal attachment to particular ecclesiastics, might have prevented the adoption of the regenerated form; and a peevish garrulity, mistaken for eloquence by the declaimer, might have been employed, as it is now, in

* So Dr. Lanigan, vol. 4, page 217.

contrasting the religion of the law and the religion of the people.

These things are not mentioned, either from a spirit of polemical recrimination, or from a sense that they are necessary to the argument. But they are truths—they have been suppressed by J. K. L.—and he may justify the suppression, if he can.

There remain now, my Lord, only two things to be established.

That the unreformed clergy were constitutionally ejected.

That this ejectment does not either invalidate the right of property in the church, or imply a right of resumption in the Crown.

The ejectment was constitutional. This, I presume will scarcely be questioned even by J. K. L. and the “Catholic Association.” It was the genius of popery in those days to deny the sovereignty of a merely secular prince. The distinctions, between temporal and spiritual supremacy, which J. K. L. and his brethren have discovered, (*but have not defined,*) were then unknown. The Papal clergy of Ireland believed and taught, that the King was the liege vassal of the Pope; that he held his thrones as fiefs from the Holy See, and

might be dispossessed at the pleasure of his Lord. A connexion was impossible, between such a church, and a state which aspired to be independent.

It is, indeed, pretended by J. K. L. that the Crown transferred church property from the papal to the reformed clergy, *upon a supposition*, which has not since been realized. This is silyly aimed, but it does not penetrate. The deprivation of the papal clergy is one thing — the transfer of their property to another class is quite another. The positive good of the new order of things was a matter of calculation, of wrong calculation, if J. K. L. will have it so : but the positive evil of the old order of things was a matter of experience. The new priesthood was, at all events, negatively good ; and surely the state gained something when, instead of a restless and traiterous faction, it acquired a body of servants, who gave their allegiance without reservation or alloy.

The history of the times presents us with an analogous case. Within the same period which J. K. L. deplotes, as the era of the ejectment of the *ancient* church, all, or nearly all, the lay proprietors of the country were dispossessed, and for a similar reason. Like the clergy, they had violated the conditions, which the state found to be essential to its well-being : both were corrupt

masses within the body politic, and, after a long struggle, both were finally thrown off by the *vis medicatrix* of the constitution. Accordingly, both classes were alike disinherited; the Crown re-entered upon its original rights, and exercised anew its prerogative of donation. What positive advantages the state derives from the new proprietors, may be equally questioned in both cases. J. K. L. probably believes, that my Lord Lansdown, who is an absentee, or the farmers of Cavan, who are Orangemen, are no less useless — no less pernicious---members of society, than “Dr. Magee” himself. Still the ejectment, in both cases, was just and necessary, and restoration hopeless. The *ancient church*, and the *ancient families*, are equally extinct as landed proprietors: “they were lovely in their lives, and in death they are not divided.”

I have now arrived, my Lord, at the second proposition; that the right of ejectment, in the the Sovereign, does not imply a right of resumption, or affect the title of the present church. It is very true, that as the Crown is the source from which all property emanates, so it is the centre to which all property tends. But, except in the two cases of extinction and forfeiture, this tendency is neutralized by the the antagonist powers of the law. The Crown, when it parts with property, to a family or a corporation, gives away a title as valid as it possessed. It has not, therefore, a right of resumption. It cannot re-possess itself of

the lands, which, in the period so often mentioned, it conferred upon the Scotch settlers in the north, or the English soldiers in the south; neither can it re-enter on the property of the church.

But the law is fertile in analogies to my purpose. A nobleman founds and endows a college. He determines the manner, in which the several members of the society shall be elected, and appoints visitors, with power to enforce existing statutes, and to make such changes, as time and the increase of knowledge, may render suitable. When the new society receives its charter of incorporation, it is thenceforth independent of its founder. Although, in its origin, an eleemosynary institution, and deriving its support from free gifts, it is now secured by the law. Neither the founder, nor his heir, has a power of resumption: as long as the members observe the rules of their order, their society is as durable as the constitution.

Let it now be supposed that the college is of royal establishment. Is the situation of the corporators to be more precarious in proportion to the dignity of the founder? Is the law, which guarantees to societies of more humble origin, inviolability of property, and perpetuity of succession, to be, in this case, a dead letter? Or, are the prerogatives of the crown, which are so many benevolences — so many graces — above law, to be

stained by injustice? As long, then, as right shall be distinguished from mere power — and under a British Sovereign that will surely be for ever — the revenues of such a society are not resumable by the crown. The sovereign, it is true, is the supreme visitor of the society; he has the power of judging what changes may be necessary, for the improvement of learning, of religion, or good order, and every alteration of the collegiate statutes may have the effect of excluding, or of depriving, individuals. But if a sufficient number remain to continue the organization of the body, its identity is unaffected by the change of particular members, and, with its identity, its privileges and property.

This, I think, is a case, strictly analogous to that of the Church establishment. The Church, in this country, is an eleemosynary foundation of the Crown. When Henry the Second signed the Acts of the Synod of Cashel, and thereby endowed the Church, the Crown *relinquished the right of property, and assumed the right of visitation.* As the forms of the constitution became more popular, and the importance of a religious establishment was more generally felt to be a national concern, the visitatorial authority was communicated to the Parliament: that which at first belonged to the Sovereign alone, was vested in the King, Lords, and Commons, in the same fulness, and with the same

limitations. In virtue of this right, the Crown, (or the State, as the case may be,) made such alterations as, in its wisdom, it deemed expedient; it deprived recusant members, and substituted others, according to the usual forms of incorporation. In this manner, the establishment preserved its constitutional identity, with those privileges and emoluments which that identity implies.

I come now to consider the objections of J.K.L. He says, that "*the only* end, which the law had, or *ought to* have had, in view, when it gave the possessions of the *Irish Church* to the *Protestant Clergy*," was that the mass of the people might become Protestant; that this end has not been and cannot be, attained; and that therefore, "by the laws of nature and of God," the state is bound to revoke its grant.

It is not easy, my Lord, to determine what we shall most admire in this reasoning—the narrow-mindedness of the bigot, the abstraction of the schoolman, or the flippant arrogance of the modern demagogue. The substance of it is taken from Mr. O'Driscol's Essay on tithe; yet "the Association" may not have been wrong in voting him an original—there is a *felicity* in his manner, which almost appropriates every thing he seizes:

"Contactuque omnia fædat
Immundo, tum vox tetrum dira inter odorem."

I have not, my Lord, sufficient sagacity, to penetrate into the secret thoughts of Princes and their cabinets : on such subjects, I am probably as ignorant as J. K. L. himself. But, without searching so deeply, it is easy to refute every part of this impudent passage.

In the first place, it may be proved, that the end which he assigns, was not the only, or even the principal end, proposed by the government, or pursued by the Church. I have already mentioned, that one important end was attained, in the removal of a disaffected priesthood. Such was the Papal priesthood of former times, and with former times only, is the argument concerned.— But to return. The Church prescribes to its ministers no missionary duties—and it would have prescribed them, had the state commanded. Nor would an express command have been necessary; by the ordinary influence of the Crown, a missionary character might easily have been given to the clergy. With the uncontrolled appointment to all Bishoprics and Deaneries, with the patronage of a fourth part of the other benefices, with the right of presentation to all livings vacant by its own preferments, with full power over the discipline and studies of the university, it is obvious that the government might have communicated a missionary spirit to the church. I appeal to your Excellency—and the appeal cannot go higher, whether this is ever done. It is probable, indeed,

that a missionary zeal will now spread among our ministry. Popery has thrown open her ancient armouries, and drawn forth the poisoned weapons of her warfare. Protestantism will be no less vigilant on her side—J. K. L. and his associates may have reason to repent their insolent aggressions.

But if this *was* not the only end of government, J. K. L. says that it *ought* to have been. Your Excellency has, doubtless, been edified by the new maxims of state policy, with which this writer would enrich a British cabinet. It is one of the most striking glories of the works of God, that some objects are endowed with a fertility of causation, which luxuriates into a beautiful variety of effects. In what recess of our planetary system may we not trace the influence of the sun? It is the centre of attraction to unorganized matter—it guides and sustains the earth through her appointed round of seasons—it is the source of genial warmth to all vegetable and animal life—it is the fountain of light, and of all the subtle, and magnificent, and mysterious phenomena, which are connected with that wonderful element. If statesmen should endeavour, in their creations, to imitate this munificent economy of Providence, they fall under the heavy displeasure of J. K. L. How does he know, what the *only* end of a British Sovereign should be, in founding large and liberal institutions? Are our princes and their counsellors to have none but sectarian feelings, no

views more expanded, or less bigotted, than those which an intolerant creed and a monastic discipline can furnish to the recluse of a cloister? Are there no fruits of policy, more mellow or more nourishing, than what are to be gathered from the thorns of the schools, or the thistles of polemical disputation?

J. K. L. asserts, that the established religion *can never* become the religion of the country; and he calls upon your Excellency to ratify his assertion. Perhaps, my Lord, you judge differently of the signs of the times. Perhaps you incline rather to the opinion of those who regard the present elevation of tone and aspect in J.K.L. and his party, as the last ominous rallying of an exhausted constitution. Popery, my Lord, may die in convulsions; and certain symptoms seem to indicate that it will. But however that may be, the disease is deeply seated; and the stimulants, which are now so incessantly applied, are proofs, at once, of the danger of the patient, and the ignorance of the physicians.

In the mean time, there are certain compensatory advantages, which may diminish, if not remove, the regrets of a statesman, that the sphere of the established church has not hitherto been wider. It was necessary, that the aristocracy of this country—the aristocracy, not of wealth and power only, but of spirit, industry, and intelli-

ligence—should be entirely devoted to England, and should comprehend, in their love of it, *every thing that was English*. It was necessary, also, that this body should attain such a competency of physical strength, as, with its moral and political resources, might be sufficient to maintain itself against the so much vaunted numerical superiority. This has been done by the established church. In feelings, principles and associations—in all those subtle elements which constitute the social being—her children are Englishmen: and for the adequacy of their numbers, we have one irrefragable proof—there is, at this day, no rebellion in Ireland. The church has been no illiberal preceptress. She gladly admits the lights of science, literature, well-ordered freedom, and sober philanthropy, and she points to England as the fountain of them all. She has taught her followers to blend England with all their dearest, their holiest, their most enobling recollections—to trace thither the pedigree of their blessings—to make it in heart and spirit, the country of their earthly affections, and the guide to that better country, whose foundation is in the Heavens.

On the other hand, my Lord, many weighty purposes have been answered, by having the mass of our population—a population proverbially imaginative and impetuous—kept apart from the turbulent and disaffected spirits, of the other portions of the Empire. This important end—an

end which could not have been attained by merely human foresight, has been the care of an overruling Providence; and its instrument, an exclusive and unsociable creed. That creed has secured the same equilibrium—the same sustaining antagonism—between the great divisions of our people, which sages study to preserve between the estates of the realm, or the principal members of the European community. The result of this economy has frequently appeared—in 1641, in 1745, in 1798, and again within the last few years. It is in vain, that some of our demagogues have made overtures of fraternal union with the radicals of England—that others publish softening “vindications” of their theological system—that they expatiate on their liberality, nay even on their liberalism. Spite of all their efforts, their religion is *a repellent*, and no coalition can ever be made. Thus, my Lord, if Popery be continued here, it is not for its own sake, as J. K. L. has told you, but for the sake of Britain. Providence has placed a talisman in the hands of British statesmen; and the genius of Popery—the slave of the talisman—is compelled to labor for the safety of British Protestants. And when the slave shall have done his work, and Britain shall no longer require his services, the talisman may be broken; the scales will drop away from the eyes of our people, false miracles and false prophecies will be remembered no more, or remembered only to be classed with the superstitions of the Druids.

I purposely restrain myself on these important points, intending, as I have before said, with the permission of your Excellency, to devote a separate letter to the utility of the Established Church. Nothing, therefore, remains at present, but that I notice briefly some detached and collateral assertions of J. K. L. He is pleased to say, (page 55) that "if the law had any other end but this," (i.e. the conversion of all the people to the reformed faith) it wanted the essential conditions of a law; namely, that it should be enacted by a competent authority, and be just, equal, permanent, regulated in all its details by commutative and distributive justice, and tending to the public good." Leaving the stile of this to the admiration of Mr. O'Connell, I proceed to examine its assertions.

The law would not be enacted by *a competent authority*. J. K. L. and the lawyers of the Association have made a discovery. Hitherto, it was thought, that King, Lords, and Commons, were competent authority for a law.

The law would not be *permanent*. There is a mystery here. What force does J. K. L. intend to bring against the law? His reasoning powers? The thunders of Demosthenes? Perhaps something more palpable?

The law would not be *just, equal, regulated in all its details by commutative justice, &c.* It is a

nice scrutiny which J. K. L. would institute—justice, and EQUALITY too, in all the details of the law relative to property. Inequality is an inevitable condition of property, and, if inequality, then what many will call injustice. But who are to be the judges of this “commutative justice in all its details?” Shall we say, Demosthenes, J. K. L., and General Rock? A very Daniel, and two worthy assessors. Suppose they examine the act of union, or the act for settling the succession—what would be the report of our grave commissioners, upon “the commutative justice” of these laws? They believe, and they propagate their belief by their respective weapons,

“The Soldier’s, Churchman’s, Lawyer’s, tongue, pen, sword,”

that the British government is a grievance to Ireland—that “*the tyranny continues, even when a tyrant is removed,*”—that “*England will not make peace with them.*” Commutative justice there clearly is none; and, if not, neither authority nor permanence.

So far, my Lord, these objections proceed from the native resources of J. K. L.; few others, indeed, will be anxious to claim them. But, by *injustice*, he intends a cavil, which has been in the mouth of every declaimer, since the loquacious days of Mr. Grattan. It is elsewhere stated by J. K. L. in the following words. “It is too much, my Lord, to expect from human nature, that it

would be well affected towards so monstrous an establishment, and above all in Ireland, where those who possess it are not the pastors of the people, and where those who pay it are all employed in agriculture.”

As to the “monstrousness” of the establishment, there is an inconsistency in this writer, to which I have already adverted. The passage above quoted is in the 31st page; again, in the 36th, he brings a similar charge of “immense revenues” and “princely domains;” but in the 38th and 39th pages, he tells your Excellency that “gentry, to be useful, must be comparatively great, entirely exempt from petty feelings, and above such interests as only poor men, or low minds, can descend to, but a gentry, whose income only raises them to middling rank—who possess only a life interest on their property,” &c. There is something in all this, to make one pity the innocuous peevishness of the writer. The number of our beneficed clergy, including Bishops, may be about eleven hundred: they have a *a monstrous establishment, immense revenues, princely domains;* and yet with this boundless wealth divided among so few, they *are not*, even in Ireland, *comparatively rich*.

Their income, it seems, is only for life. Your Excellency knows that no gentlemen, except those who have professional, and therefore life in-

comes, can be prevailed on to reside in this unhappy country. The Roman Catholics, indeed cling to the soil, with a degree of tenacity which is variously accounted for. But would the Government wish to have no Protestant gentlemen in Ireland?

But again, as to the wealth of the Clergy.—Mr. Grattan began, and a host of minor patriots and economists, Newport, Hume, Wakefield, O'Driscoll, J. K. L. &c.—have continued, certain wise allusions to the poverty of the Apostles. To the laymen among these, it is only necessary to say, that the Apostles were poor, *because all Christians of their time were poor*. Whatever these Christians had, they threw into a common stock, and out of that they ministered to the Apostles. Let the people now do the same—even those of the established church—let them form a common fund. In this case the clergy will cheerfully represent the Apostles—would there be no counterparts for Ananias and Sapphira?

J. K. L. deserves a separate, though not dissimilar, answer. He is zealous for the restoration of apostolical poverty, and, in the vehemence of his zeal, he urges the government to a holy war upon the possessions of the church. What evidence can he adduce, that his own order has adopted the poverty of the apostles? How will he explain away the *commandment* of his church?—

Is not that church looking wistfully after her ancient grandeur? Is she not now, in her comparative adversity, receiving as much as the establishment? Her bishops, probably, do not receive as much, nor perhaps her priests in the North of Ireland. But, through the rest of the island, it is notorious, that the income of the parish priests, and still more of their curates, is greater than that of the same ranks among the established clergy. J. K. L. speaks, in terms sufficiently contemptuous, of a *regium donum*; good reason he has to reject it. Besides, my Lord, the tithes do not come from the poor man; not so with the revenues of the priest. The entire system of his profession is one vast engine for grinding down the poor; its hundred arms catch the victim at every turn, and—as with the purgatory which has been invented for a similar purpose—he is not suffered to escape, until he has paid the last farthing.

J. K. L. says, that “those who receive tithes, are not the pastors of the people.” *Hinc illæ lacrymæ.* This may be a good reason why J. K. L. should be angry; but no reason why tithes should not be paid. The clergy, as the impropiators, claim tithes by the law of the land. J. K. L. has not impugned the title of the Duke of Devonshire; and his Grace holds no less than twenty livings. Why not be equally lenient to a parson who holds but one? Upon his own principles, he

ought to show this indulgence. He says, that the clergy discharge no ministerial functions—that they have none to discharge—that his church is, exclusively, the church of the people, and his church, it is said, will not have an establishment. Why will he not then admit, that all beneficed persons are equally impropiators? Thus, my Lord, upon his own statement, the country is already in the circumstances he desires. There is a body of clergy—of true effective clergy—sufficient in numbers, and with a competent provision; this provision is derived from the free offerings of the people, but, for fear of the worst, secured *under the pain of mortal sin*. What harm, then, if the crown should exercise its privilege, and, for the improvement of agriculture, confer the tithes, which have been surrendered by this true and ancient church, upon some few hundreds of “middling gentry?” Yes, my Lord, *for the improvement of agriculture*; I say so, upon the authority of J. K. L. himself. He tells us, that “Charlemagne, that great and wise prince, who subdued nations by force, and governed them by salutary laws, promoted the tithe system, as well adapted to all his views and interests—he assigned tithes to the priesthood, that they might be the protectors of agriculture among rude tribes, accustomed to live by plunder or the chase.” (Pages 32, 33.) Here, my Lord, is a model for other great and wise princes, who have rude tribes to govern. J. K. L. has shown

too, although incidentally, that the tithe system, in Ireland, has been of incalculable benefit.--- When "the House of Commons, by a wise vote, secured their grazing lands from the inroads of the parson, cattle not crops, was the produce of Ireland," (page 36.) Roused by the wisdom of the Commons, and recollecting, perhaps, the policy of Charlemagne, the hitherto lazy parsons began to encourage agriculture. J. K. L. acquaints us with the result. "By tillage, Ireland has been rendered the granary of the empire, and exports, after maintaining her own vast population, corn to the value of several millions annually," (page 36.) And now, my Lord, can J. K. L. deny, that the established church is an advantage to Ireland, and to the empire? He may, perhaps, be offended, that it should be called the National Church, that title, it seems, belonging to the Church of THE PEOPLE. But can he not call it "the Royal Farming Society," and under this, or any other name, suffer it to be at peace?

He urges that "*those who pay tithe*, are all employed in agriculture."

If he could find it as easy to reason as to declaim, if such an occupation would suit his own talents or the purposes of his party, I think I could satisfy him, that such is not the case, and

that in this as well as in other particulars, he has been deceived by those from whom he has borrowed so freely. Mr. Ricardo has argued, and, by most scientific economists, is supposed to have proved, that the pressure of tithes falls on the consumer. If this be so, the Irish clergy are paid, *partly by their own immediate flocks*, the upper classes of society in this country, *but principally by the manufacturers of England*. The Roman Catholic inhabitants of Ireland live chiefly on potatoes; and there are few districts in which potatoes are tithed, at least, those potatoes which are raised by the cottiers and small farmers, for their own consumption. Of that immense produce in corn, which J. K. L. mentions, a considerable share is purchased by Irish Protestants, and the remainder — by far the greater part — is sold annually in England; *in both cases, at a price that covers all the expenses of agriculture*, rent and tithe included. Thus the case will stand upon the theory of Ricardo; the Irish husbandman, i. e. the Roman Catholic, pays no part of the tithe; the whole of the charge devolves upon the consumer, i. e. the English or Irish Protestant. If J. K. L. have aught to object to this statement, or if he knows of any one who has, I am ready to enter upon an examination of the question.

As the farmer, i. e. the Roman Catholic, is not injured by the existence of the tithe system, so neither would he be served by the re-

removal of it. This appears, even by the terms in which J. K. L. has urged his objection. "All are engaged in agriculture;" there is an extreme competition for land, a competition increasing with the increase of our population. Thus the land-lord would be enabled to transfer to himself the benefits of the abolition. *At present he makes, or professes to make, an abatement in consideration of tithes; were tithes to cease, the abatement would cease with them.* Had J. K. L. considered this, he might have perceived that tithes are, virtually, a portion of the rent; and the parson, a landlord, no less than the squire. The only difference between them is, that to all, who are willing to receive his ministry, the former stands in a nearer and more sacred relation. To the rest of his people, he is simply a landlord, and, like all others, founds his right upon the laws of his country.

And now, my Lord, I dismiss the subject of temporalities. Enough, I trust, has been said, to convince J. K. L., that in undertaking to despoil the church of its revenues, he consulted rather his feelings, than his consistency or his strength. As an *abjuration* of tithes, his production has probably answered the views of his patrons; as an argument against them, it is likely to be harmless. I do not expect that he will reply to my animadversions. The "Catholic Association," has adopted his essay, and will, doubtless, take a special—I

had almost said a professional interest—in its vindication. I do not, indeed, presume to say, that the legal attainments of J. K. L. are inferior to those of the very greatest of its lawyers, but law can have been only the amusement of his leisure: it is chiefly, I should suppose, to his theological science, that he looks for the establishment of a lasting reputation. It were time, now, that he began to lay up his store of fame; and though a controversy with me can derive no dignity from the rank of his opponent, I will do my best to deserve the honor of his castigation. He has attacked the *temporal* title of the *Established Church*; he cannot, therefore, be surprized or offended, if I impugn, in my turn, the *spiritual* title of *his*. Through the entire of his pamphlet, he has assumed, with much confidence, that the primitive church of this country was a branch of the Papacy; he has even said, that certain formularies of doctrine and devotion have been preserved among Roman Catholics from the time of St. Patrick. I call upon him for the proof of these assertions.

In the discussion to which I invite him, he will have every advantage but one—probably he believes even that one also—the true side of the question. The writers of his communion have treated of the argument with much industry, and, occasionally, with skill. Profoundly versed in the language and the antiquities of their country, they have formed its church history into a regular sys-

tem, and interwoven the supremacy of the Roman See, with the whole of the elaborate texture. There are also some gentlemen still alive, who are eminent for their attainments in such subjects, and who, should the matter be deemed of that importance which has hitherto been attached to it by Roman divines, must be well disposed to contribute their assistance. Nor should it be omitted, that in the Roman Catholic colleges, (at Maynooth, certainly, and I believe at Carlow,) the language, history and antiquities of Ireland, are taught by regular professors.

I, on the contrary, stand alone. Though moderately acquainted with Church of England writers, I know but of one, who has entered into this subject---the very learned, though not very judicious, Archbishop Ussher; and he, from his partiality to the prevailing doctrines of the Church of Rome, in the fifth century, will be as much against me, as in my favor. Neither have I, in my intercourse with our living authors---and with many of the most eminent, I am proud to claim an intimacy---found any, who has turned his attention to the ancient affairs of Ireland. Finally, it is well known, that the University of Dublin has no Irish professor; nor does it afford encouragement, or even facilities, to the study of that interesting language.

So far, then, J. K. L. has no cause of alarm. I,

on my part, am firm in my conviction, and whether I am to be honored by any notice from him or not, will not cease to urge the topic on the consideration of the public.

Until very lately, our antiquaries were unanimous in ascribing the origin of the Irish church to a mission from Rome under St. Patrick. But the opinion rested upon slender authority. The documents, usually quoted in its support, were, for the most part, of a date comparatively recent; they abounded in anachronisms, contradictions, and such an extravagant profusion of miracles, as — like those of the present day — would make a general law the most miraculous thing in nature. Struck with those circumstances, the late Dr. Ledwich — a man of taste, sagacity, and information, but his taste too fastidious, his sagacity too impatient, and his information more remarkable for an agreeable variety than depth on any particular subject — boldly denied the existence of St. Patrick. He has been answered by three Roman ecclesiastics, Drs. O'Connor, Milner, and Lanigan, all men of great erudition, all deeply sensible of the importance of the question to the cause of their church, and the two Irishmen animated by that national spirit, which is always so amiable in the individual, and, when well directed, so useful to a country. I propose to show, that Ledwich and his opponents have divided the truth between them; with the latter, I maintain the existence of

St. Patrick ; with the former, I deny his Roman mission. To establish this point, I will review two classes of authorities ; the one, *Roman documents*, in which, as Ledwich observed, the name of Patrick is suspiciously omitted ; the other, *Irish documents*, which have been adduced on the opposite side, and which, as they are decisive for the existence of our saint, so, (as I hope to prove) they are equally decisive against his Roman mission.

1. Patrick is not mentioned in the Chronicle of Prosper. The importance of this omission will be at once perceived from the following considerations. Prosper was the friend, the counsellor, and the panegyrist, of Pope Celestine. By his advice, Celestine, in the year 431, sent a Roman Bishop, named Palladius, to some societies of Christians that had settled in Ireland. The mission totally failed ; after remaining a few months, or, as some say, only three weeks, in the country, Palladius was obliged to retire, and died in Scotland, in the January following,* (432.) It is unanimously asserted by our Roman Catholic writers, that upon hearing of the death of Palladius, Celestine issued a new commission to Patrick ; and died in the April of the same year, (432.)

Now Prosper published his Chronicle many

* So Dr. Lanigan.

years after. He was disposed to do full justice to the spiritual achievements of the deceased Pontiff; yet he does not mention Patrick. Palladius came to Ireland — staid a few weeks — built three chapels — and ran away; but because Palladius was sent by Celestine, Prosper has commemorated the brief and ignoble effort. On the other hand, when Prosper published the last edition of his Chronicle,* Patrick had been twenty-three years in Ireland, and his ministry had been blessed with the most signal success. What could have been the reason that he was omitted by Prosper?

To account for this ominous silence, *three different hypotheses* have been devised by the antagonists of Dr. Ledwich. Dr. Milner intrepidly maintained, that although Prosper has not *mentioned* Patrick, he has *alluded* to him, in the following passage of his book against Cassian: “Ordinato Scotis (i. e. Hibernis) episcopo fecit Celestinus etiam barbaram insulam Christianam.” “I am not surprised,” he says, “that Dr. Ledwich should always have carefully shunned this *irrefragable* testimony, since it cuts up his labored system to the very roots; for it proves that Ireland was a pagan island before the time of Pope Celestine and St. Patrick: it proves that this island was converted by a bishop sent hither for that purpose by the said Pope; and it proves that *this bi-*

* Tillemont, Histoire de Saint Prosper.

shop must have been no other than St. Patrick, because St. Palladius, whom Prosper mentions as having been sent hither a little before by Pope Celestine on the same errand, did not succeed in the attempt, and therefore crossed over the sea to preach to the Scots in Britain.”*

All this proves *too much*, according to Dr. Lanigan. He asserts, that in the above passage, *Prosper speaks of Palladius*, adding, as an explanation, that “when Prosper announced such joyful tidings, he had not yet heard of the reverse which Palladius had met with.”† This, perhaps, is as good an explanation, as, upon his principles, the learned gentleman could have given. But it is not enough. Palladius died in January, 432. Patrick was sent — if sent at all — by Celestine, in the February or March of the same year. Prosper wrote his book in 433; he had then a full year to learn the state of things — he was one of the most eminent men in his day, and in the full confidence of his party. Why, then does he not mention Patrick? Dr. Lanigan’s hypothesis is, that Patrick had been, from the beginning, appointed *second in command*, (if one may use a secular phrase;) and that his assumption of the chief authority, upon the death of his principal, was in the ordinary course of things, and, there-

* Tour in Ireland, Letter 13.

† Vol. i. page 39.

fore, not worth particular notice. Of this I have only to say, that it does great honor to the author's ingenuity; he is not indebted, for even a hint of it, to any ancient writer.

And now for the solution of Dr. O'Connor. He believes, like his English brother, that Prosper has alluded to Patrick, but he rests his faith upon a different passage of that writer. It is in the *Chronicon*, thus: "Ad Scots in Christum credentes, ordinatur a Papa Celestino Palladius, *et primus* Episcopus mittitur." Hence he proves, contrary to the *irrefragable proof* of Dr. Milner, that Ireland *was not* a pagan island, before the arrival of a Roman bishop. Hence, too, he infers, that Celestine sent a *second* bishop, namely Patrick, and that Prosper intimates this, by calling Palladius the first. But why did Prosper choose to speak so oracularly? Why not mention Patrick in any of the three editions of his Chronicle? As for the supposition of the learned antiquary, it is very precarious indeed, and easily set aside by his own authority. He has shewn, upon credible grounds, that there were bishops in the island *before* Palladius. Why may we not, then, suppose, that Prosper intended to allude to these? Is it not a very reasonable interpretation of his words, to say, "Palladius was *the first bishop ever sent by a Pope* to the Irish Christians?"

2. Bede agrees with Prosper, in the mention of

Palladius, and the omission of Patrick. Bede was strongly attached to the see of Rome; and though he speaks in liberal and grateful terms of the Irish, he seldom forgets to qualify his praise by some slight censure of their schismatical discipline.

The learned opponents of Dr. Ledwich have appealed from the Ecclesiastical History, the *undoubted* work of Bede, to the Martyrologies, which are *ascribed* to him. Now, these attest *only the existence, not the Roman orders, or Roman mission*, of our patron Saint; it is, therefore, not worth while to deny their authority. But it may be worth while to show the difficulties, with which these gentlemen have found their subject embarrassed. There are, then, two Martyrologies, one in prose, the other in hexameter verse, which have been attributed to Bede. Dr. Milner, adhering to his usual tactics, refers hastily to the prose one, without stopping to mention the doubts which hang over it. The Irishmen are more candid. Dr. Lanigan, who also adopts the prose Martyrology, very handsomely confesses that it is interpolated. He maintains, indeed, that critics can distinguish the genuine passages from the spurious; but upon this point *the doctors differ*. His shrewd and erudite countryman takes the other side; he has combated Ledwich in two treatises, the *Prologomena ad rerum Hibernicarum Scriptores*, and the *third Letter of Columba-*

nus. In the latter he does *not adduce either* of the Martyrologies, in the former he quotes the metrical one *alone*. His opinion of the other, he gives in the following words: “Martyrologum prosaicum, prout editur a Smith, in editione Cantab. 1723, *sincerum non agnosco* neque agnoscit Mabillon.” Upon subjects of this nature, few names are of more authority than that of Mabillon; of those few, O’Conor himself is one; and by their *joint* opinion, the character of this piece is probably decided.

But has Dr. O’Conor been more fortunate in his own choice? The reader shall judge. The condemned piece would, if genuine, have been much more to the purpose; its words are, “Decimo Sexto Kalendas Aprilis, in Scotia, S. Patricii Confessoris.” This determines *the day*, and the *place*, of Patrick’s death;* and is therefore quite decisive for the existence of the Saint, though not for his connexion with Rome. But in the Metrical Martyrology, neither day, nor place is given—we are briefly told, in a single line:

“Patricius, Domini servus, conscendit ad aulam.”

Now this line is both *suspicious* and *useless*. It is suspicious, because the *day* of the festival is

* In the Martyrologies, the day of a Saint’s death is marked as his *Natalis*. The ancient name of Ireland is *Scotia*.

not mentioned; and thus the very purpose of a Martyrology, which was to direct religious persons in the observance of holy days, is frustrated. Throughout the whole of the piece, in which this line is found, there is no other instance of a similar omission; and D'Achery, the editor to whom Dr. O'Connor refers, has noted the singularity — “*Hic deest dies*,” is his marginal remark. These are circumstances which ought not to have been concealed. Again: the omission of the day and the place renders the testimony useless, because the sixteenth of March is dedicated to a Patrick of Auvergne, and, on the seventeenth, another Patrick is commemorated at Nola.

It deserves to be noted, that Ussher, though a very determined assertor of the Roman mission of Patrick, did not admit the testimony of the martyrology. There was, in his time, a Doctor Ryves, who made some objections to the received accounts of the Apostle. Ussher, in a letter to Camden, replies to these objections, and says of one of them, “The objection would *be far more specious*, if it were drawn *from the silence* of venerable Bede.” He satisfied himself that this silence was not conclusive, by discovering a Cottonian MS. more ancient than the time of Bede, in which Patrick was mentioned. Of this MS. hereafter.

I come now to consider the ancient *testimonies* of *Irish* writers.

1. The "Confession" of Patrick himself.— This very interesting piece was first published by Sir James Ware, from an ancient MS. and has since been received by Ussher, Tillemont, Dupin, Mabillon, Milner, O'Connor, and Lanigan. We learn from this document, that Patrick was born in Britain, and educated in Gaul; that some time after his return home, he felt an impulse to preach the Gospel in Ireland, that he was consecrated at home, and that he proceeded immediately to the scene of his ministry. During the remainder of his life, he considered himself fixed in Ireland by the inviolable bonds of duty; but, occasionally the high resolves of the Apostle were weakened, by the natural yearnings of the man, "I wished," he says, "to go into Britain, my native country, and to my parents, nay also to go to Gaul, to visit my brethren, and to see the face of the Holy ones of my Lord. *God knows, I wished it very much.* But I was detained by the spirit, denouncing to me, that, if I did so, I should be regarded as an offender. I fear to loose the labors which I have sustained, yet not I, but the Lord Christ, who has commanded me to abide for the remainder of my life, with those among whom I have come."— From this captivating passage, *it is certain*, that Patrick was not in Italy, *after* the commencement of his Irish mission, and *almost certain* that he was not there *before*. He desires, God knows how he desires, to visit Britain and his parents, Gaul and his spiritual brethren—but of Italy or the Pope, there is no mention, in this or in any other part

of the Confession. The omission is the more decisive from the length of time which the legends assign to his stay in Italy; some of them, no less than *thirty years*.

2. The elder Cumian, the disciple and biographer of Columba, who wrote at the close of the 6th, or the very beginning of the 7th century, calls Patrick *the first Apostle of Ireland*.* Thus it appears, that while the Papal writers make Palladius the first Apostle, and take no notice of Patrick, the Irish make Patrick first, and take no notice of Palladius.

3. The hymn of Fiech, of the same antiquity, not only opposes the Roman hypothesis, but enables us to account for its origin. In the first four stanzas, we have the parentage of the Apostle, his captivity, and flight from Ireland—then the story proceeds as follows:

5

He traversed the whole of Albion,
He crossed the sea—it was a happy voyage;
And he took up his abode with German,†
Far away to the South of Armorica.

* Second Life of Columba, in Colgan's Trias.

† A celebrated ecclesiastic of the time; he was bishop of Auxerre.

Among the isles of the Tuscan sea,
 There he abode, as I pronounce;
 He studied the canons with German;
 Thus it is that the Churches testify.

To the land of Erin he returned,
 The angels of God inviting him;
 Often had he seen in visions,
 That he should come once more to Erin.

Here the route of the Apostle is traced for us, with the accuracy of a map — from Ireland — through Britain — across the channel — through Armorica — to the south-east corner of Gaul, on the coast of which are situated Lerins, and some other islands, the seats, in those days, of collegiate institutions. When his studies are concluded, he is brought back to Ireland, and through the sequel of the poem, which extends to thirty-four stanzas, he is represented as continuing there for the remainder of his life. Through the whole piece, Italy is omitted, and, in a narrative so orderly and circumstantial as this is, omission is equivalent to exclusion.

But the extract given above, is of still further use, by pointing out the origin of the modern legends. In the first line, the word Alpa, the Alps, was — by accident or design, as critics

may choose, are — substituted for Alba, *Albion*, the genuine reading. This is acknowledged by Colgan, on the authority of an ancient marginal annotation : and Dr. Lanigan, with his accustomed ingenuousness, has regulated his narrative according to the true reading.

Again, in the last line of the same stanza, *Letha*, the Irish name of *Armorica*, by an excess of ignorance, or of audacity, in the monkish writers, was mistranslated into *Latium*. *Letha* corresponds to the Welsh *Llydaw*, the ancient Roman word *Litus*, and the *Letavia* or *Letania* of the Latinity of the middle ages, and is thus equivalent to *Armorica*, (i. e. *Admarica*.) The true meaning has been handsomely restored by Drs. O'Connor and Lanigan. According to the corrupted reading and translation, Patrick is made *to skip at once from Ireland over the Alps*, then to cross the sea, and settle *far to the South of Italy, among the isles of the Tuscan sea*. So freely did our writers draw upon human credulity.

4. The next authority is that of the younger Cumian, in the seventh century. Writing to the Abbot of Iona on the Paschal controversy, he says, that “ the computation then used by the Irish, was different from that which the holy Pope Patrick* ”

* All Bishops were called Popes in those days.

introduced." This is very good proof of the existence of Patrick; but there is no allusion made to a mission from Rome.

5. I come now to the old Cottonian MS. Ussher, Spelman, and Mabillon make it earlier than the time of Bede; it is received also by Drs. O'Connor and Lanigan. This very curious and important document concurs entirely with the hymn of Fiech: it makes him a student of Lerins, it says that the bishops German and Lupus, nurtured him in sacred literature, that they ordained him, and made him the chief bishop of their school among the Irish and Britons.*

These five tracts, with an old antiphonary of of the Monastery of Bangor, in which Patrick is mentioned as "the master of the Irish," are ALL the authorities which the adversaries of Ledwich have been able to adduce. Upon the subject of the Roman mission of Patrick, these documents maintain a profound and eloquent silence; a direct contradiction to the hypothesis we cannot expect from them, without ascribing to their authors the gift of prophecy, but they do what is equivalent — *they leave no room for it*. They give us all the particulars of which we could desire to be in-

* Germanus et Lupus episcopum spiritualiter literas edocuerunt, et enutrierunt, et ipsum episcopum pro eorum predicatione archi-episcopum posuerunt in Scotiis atque Britanniiis.

formed — they tell us the place of his birth, and the place of his education — they tell us who instructed him, who ordained him, who sent him to preach in Ireland; and finally, they shew, that after the commencement of his ministry, he never left the island. On the other hand, it has appeared, that the adherents of Rome are as silent concerning Patrick, as Patrick, and his disciples, with respect to Rome.

How, then, is the Roman hypothesis sustained by the learned and zealous writers of whom I speak? They take refuge in those obscure and recent legends, *which they are ashamed to quote, when maintaining the existence of Patrick*, and which, on every other occasion, they reject with a contempt as undisguised as it is merited. And yet, *after all*, they cannot agree. Drs. Milner and O'Connor assert, that Patrick was ordained by Celestine; Dr. Lanigan, after, as he declares, “the labor and close application of many years, after having collected every tract and document that he could meet with,” gives the ordination *to an unknown bishop of an unknown place*. Again, Dr. O'Connor thinks himself very safe, when he states that Patrick was *not* at Rome *earlier than the year 402*, but Dr. Lanigan will not allow him to have been there *for twenty-nine years after*. Still further, Dr. Milner says, that in the year 461, Patrick went to Rome to render an account of his ministry to the Pope; the Irishmen, more can-

did, or more wary, than their fellow labourer, reject the account as “a fable.” In fine, except upon the one *indispensable* point, these learned men oppose each other with as little ceremony, as they controvert Dr. Ledwich; and for that point, they reverse the natural order of evidence — they assume that Patrick *must have had* a commission from Rome, and then they conjecture *when and how* he obtained it — instead of driving their hypothesis from facts, they rest their facts upon a hypothesis.

If J. K. L. can reconcile the contradictions into which those writers have fallen — if he can produce authorities which they have failed to discover — if he can make good *his own assertion*, that he has rules of faith and discipline, preserved in his church since the time of St. Patrick, he will render his party an acceptable and necessary service. He has leisure, too, as well as inducement, for such an undertaking. The Archbishop of Dublin — the *Protestant* Archbishop I mean,* for in the present times, the distinguishing epithet is necessary — will not answer those pressing letters, which have been addressed to him through the courteous channel of the Evening Post. On the other hand, J. K. L. has found it politic to keep aloof from the author of “the Complete Exposure.”

* Title page of J. K. L.'s Vindication.

In the dignified tranquillity of his present retreat, he may acquaint himself with the subject to which I solicit his attention ; when he is ready, (and I allow him to seek the assistance of the learned Doctors whom I have mentioned), I will expect to hear from him, but on certain conditions. He must make no more hypotheses—his church has already a sufficient number. He must not return to the legends ; if he do, I will reply only by translating and publishing one of them, that the world may see the quality of his proofs. Lastly, I *will hear of no miracles*. What I require, in fine, is documentary evidence ; published evidence, if possible ; but if still in MS. I will expect to be informed in what libraries it may be found, and what learned men have vouched for its authenticity.

And now, my Lord, it is time to account to your Excellency for the introduction of such a topic, upon such an occasion. Were the origin of the Church of Ireland a matter of interest only to the polemical disputant, or the learned trifler in antiquities, I might easily have found some other mode of stating my opinion, and calling for examination. But there are few things, in the circumstances of this country, more worthy the attention of a great and enlightened statesman. I have already said, that the Papacy maintains its ascendancy, by an artful system of accommodation to the natural principles and motives of man. Of

these, it has chiefly taken to its aid, in Ireland, that national spirit, and pride of ancestry, by which the lower classes of your Excellency's countrymen are so amiably, yet so dangerously distinguished. The Irish, my Lord, are a fondly national people; they know little of their ancestors, but they believe of them every thing which enters into their conceptions of worth and greatness, and they feel a high, although a mournful consolation, in turning from their own condition to the supposed freedom and glory, and happiness of other times. These principles have been incorporated into their creed—they receive their religion as the last bequest, and the last token, which remains to them, of their almost canonized forefathers, and they cling to it with a devoted and desperate fidelity.

To cherish and keep alive this persuasion among them, legends, miracles, and prophecies, are devised, with lavish but adroit profusion.—Their religion is made to look venerable through the vista of antiquity—interesting in the garb and attitude of decay: and this interest assumes a dearer, and this veneration a holier character, from the sympathy of the church with the fallen fortunes of her children. Thus, my Lord, the faith of a zealous Roman Catholic—though not that which either the truly spiritual, or the truly philosophic, would prefer—comes upon him with the romantic power of a picturesque and melancholy grandeur. Its influence is aided by the

habits of a rural life ; it is recalled by the ruined abbey and the tottering round tower—it is studiously associated with the hearths, the tombs, and the altars, of his progenitors. It is similarly connected, and by similar artifices, with all those of whatsoever country, who in the first and purest ages of the gospel, departed this life in the faith and fear of God ; until, through a long line of martyrs and confessors—*through St. Patrick*—through the Apostles—it finally blends itself with the Saviour of the world. The ambition which such considerations inspire, is not to be estimated by political arithmeticians ; it is not of earth alone ; it seeks to combine earth and heaven, and it tinges even dreams of worldly aggrandizement with a ray of brighter and purer illumination. If all this be the effect of illusion, have I erred in submitting it to the notice of your Excellency ?

But whether it be illusion or not, a people animated by the feelings it inspires, must always be respected, and I beg leave to add, my Lord, they must always be watched. It is this union — this mutual implication — of sectarian, of national, and of family spirit, which makes the lower classes in Ireland, at the present moment, objects of such painful — such fearful — interest. In every one of these respects, *and in every one alike*, they regard Englishmen as invaders — as the despoilers of their church — the conquerors of their country — and the usurpers of their own estates. In their

vernacular dialect, they have but one name for an Englishman, and a Protestant, and that is a name of bitterness; and their very gentlest mood towards one of the English blood, or the English religion, is an ill-dissembled --- though fawning --- ferocity. They are humbled, my Lord, but they are not subdued; their claims are dormant, but not extinguished, and it is entirely a matter of prudential calculation with them, when and how these claims shall be re-asserted.

These classes are regulated by a code of their own --- a code which is so often referred to * by J.K.L. and which (in page 29), he describes as written, "not with ink, but with the finger of the living God, upon the fleshy tablets of our hearts."--- Whether it have altogether so pure and holy an origin---whether it be divine, or whether it be barbarous, I will not now stay to discuss with this impassioned apologist. But thus far is certain, that the Irish peasantry are in --- what ethical writers have called --- a state of nature; that they are a law to themselves, and that they follow this law to the utter exclusion of all instituted jurisprudence. To give their last drink of milk to a stranger at mid-day, and at midnight to burn him in his bed, if he came to take the farm upon which they resided, are with them acts of the same nature---proceeding from the same code of principles,

* Pages 29, 30, 31, 35, &c.

and regarded in the same light by the judgment of their consciences. In a similar manner, in spite of all that Sovereigns or Senates may decree, they are persuaded, that they have a right to the land, and their clergy to the tithe ; and when opportunity offers, they will act upon the persuasion.

People with such feelings are not entirely satisfied. They do not care about emancipation ; or, if they do, it is only as the means to some ulterior good. They are well aware, that, in itself, emancipation would be a benefit to none but their gentry ; their gentry are but few, and of these few, a very small proportion is esteemed by the lower classes. Among us, the spirit of clanship was early broken. There was a complete shipwreck of property, and after the wreck, the survivors were in perfect equality of wretchedness. The descendant of the chieftain, and the posterity of the serf, became assimilated, as in name, so in want and barbarism. Hence the feudal pride of blood remains, without any of its feudal attachments ; all of the same name trace their origin to the principal house of their lineage, and as all are equally noble, so all have equal pretensions. This circumstance, if it would hereafter prove a source of embarresment, is at present only a multiplication of motive ; were the victory achieved, it would lead the conquerors to quarrel in the division of the spoil, but at the commencement, it

would make every man a principal in the work of spoliation.

Has their hierarchy tried to exorcise this spirit of delusion? Your Excellency has seen the Pastoral Letter of the ablest and most influential man among them. What, my Lord, was the *under current* in that well-known address? The peasantry were, indeed, exhorted to forgive, but *special care was taken that they should not forget*. They were told how divine it was to endure persecution; but they were told, also, how natural it was to resist it. As in a loose poem, imagination was enlisted in opposition to duty, and the moral left to the mercy of stimulated passion. Querulousness was echoed, discontent justified, and deprecation converted into the most inflammatory incentive. Finally, my Lord, it is the same spirit, which breathes in the letter of J. K. L. himself. He addresses your Excellency, joining, as he says, in the general opinion of your noble efforts "to establish a system of harmony and mutual goodwill" (page 6) between the different parties of the country: but even this theme is too exalted for him; he turns to another "more humble, and therefore more becoming his station and habits of life;" he does this, that he may "guard the small portion of the public mind, which still deliberates, from being biassed by a profusion of religious frenzy and political hate." And what are the topics selected by this meek apologist, this sooth-

ing and pacific mediator? On the one hand, spoliation, scourging, slavery, the devastation of a country, the invasion of its sanctuary; (pages 7, 8, &c.) and on the other, the justice and wisdom of retaliation, sanctioned by the laws of nature and of God. (Pages 30, 33, 35, &c.) Amidst all this revolting incongruity, I do not believe that J. K. L. had a deliberate intention of becoming a bravo to your Excellency, or an incendiary to the people; he seems to have yielded honestly, though, (as he may now think,) indiscreetly, to his very best impulses of religion and patriotism.

J. K. L. has acquainted your Excellency, that he approves the tithe system, "as a protection to agriculture, and well adapted to all the views and interests of a great and wise prince." Again, he "respects the church of England—he prizes her liturgy—he admires her translation of the Bible—and he venerates her hierarchy." (Page 33.) But church and tithe together, "it is too much to expect of human nature, that it could be well affected towards so monstrous an establishment." (Page 31.) What circumstance is it then which makes the church so monstrous? He tells you, my Lord, that it is "on account of its being the last strong hold of an intolerant and anti-social party." (Page 30.) Let us then suppose, that this last strong hold is stormed—is carried—is given up to spoliation, will the anti-social party be spared, when they are at the mercy of the

conquerors—will the inundation of plebeian triumph subside miraculously, and at once, when every sluice has been opened, and every mound overthrown? The destruction of the church is necessary for the “Vindication” of his cause; but *would it be sufficient?* No, my Lord, he tells you with great candor, that it is but “one of a thousand grievances which he suffers, and that while his tongue can move, or his pen can write, he will never cease to keep alive in his people, a sense of the wrongs he suffers, and the privations he endures.” (p. 45, 46.) And who are the authors of all these wrongs? He is above concealment, my Lord, he boldly says, “the petty princes,” that is, the Protestant nobility and gentry. “*They* lashed the people with scorpions, *they* plundered the country, *they* invaded the sanctuary, *they* extinguished for ever the independence of Ireland.” (p. 7, 8.)

Through the entire context of this vehement declamation, the petty princes, and the Church which they introduced, are exposed to all the bitterness of his impartial invective. Church property should, from the beginning, have been odious in Ireland, *because* it arose with the origin of British power (p. 30.) Those “holy harpies,” who, at a later period, usurped the possession of the true church, are reviled, *because* they followed in the victorious train of “English Protestants and Puritans,” (p. 35.)—The Clergy of the present day per-

form no duties, and should therefore be removed; but do the "petty princes" perform theirs? No, my Lord, they have for the most part abandoned their country; and the few who remain, are "rapacious and heartless men, whose sole object is to enrich themselves, and to oppress and degrade a struggling people." (p. 8, 9.) Again, the church, it seems, is now deserted by its protectors, and its weakness invites aggression; (p. 9, 39,)—the laity, likewise, of "the privileged class are few in number, and have extinguished their own greatness." (p. 7, 8.) The state can now maintain herself, "she has her roads, her posts, her army, her magistrates, her police; she is every where present, she is every where felt --- she therefore does not need the aid of a church;" (p. 38.) Still less is she dependant on "the petty princes, who have become strangers to their native land." (p. 8.) Finally, the church exists only by the law; "it has no right to temporalities which the law alone created;" (p. 36) but, in the same manner, "the unequal state of the laws has raised the privileged few to their eminence;" it is the law, or something worse, which gave them "immense possessions, and enabled them to amass enormous wealth." (p. 7.) Thus, my Lord, the faction of the Church, and the faction of the laity, are alike odious in their origin—alike resting for support upon unequal laws—alike wealthy, intolerant, cruel, usurpers—alike the objects of pre-

sent execration, and the victims of a tardy, but a great revenge.

In all this, J. K. L. is perfectly consistent, and, as I firmly believe, perfectly conscientious. He is deeply imbued with the principles of that law which he has described, and which he reveres as an emanation from the Divinity. His motives, therefore, are not to be impugned; but whatever may be men's motives, the tendency of their actions is always a fair, and sometime a necessary, subject of examination. I have not written—I will not write—in a spirit of libel on the individual; a spirit of caution for the community is a very different thing.

But will not the people be restrained, by a regard to their own interest, from pursuing such wild and hazardous schemes? My Lord, our common people seldom consider their true interests. They are prompt to imagine, to feel, to act; but reflection comes late, and is admitted with reluctance. It was an evil day for mankind, when the science of Government began to be reduced to a question of arithmetic; and the human heart to a ledger of profit and loss. Some will not allow, to those whom they oppose, or to those whom they advocate, any motive less sordid than avarice; but this is not the principle of such a statesman as your Excellency. You are pre-

pared for much variety in human impulses ; and, amidst that variety, none are more powerful than those, which, at the present crisis, swell in the breast of a zealous Roman Catholic. The sense of suffering wrong for righteousness sake — the pride of ancestry — the love of country — the feelings that bear men in spirit beyond the grave, to seek communion with their revered progenitors — these are things not to be measured upon a scale of expediency. They are too, my Lord, six millions of people, of a bold and adventurous people, elated by the hope of personal aggrandizement, and inflamed by the suggestions of religious enthusiasm. What additional motives are wanting to urge them to an effort, which might at once appease the manes of their forefathers, and do an acceptable service to heaven ?

Alas for the miserable peasantry of Ireland. They have hard measure from all parties — but most of all, from their own pretended patriots. Were I to say, that they have not been brutalized by their unfortunate circumstances, I should be giving them no small praise ; but it would not be sufficient. Amidst all the wasting influences of time — all the calamitous vicissitudes of revolution — the peasant is still a noble ruin, and attests, by many a monumental relic, the primitive dignity of his nature. To devise some measures for repairing the ruin, would be a labor worthy the Marquess Wellesley ;

the intrigues of J. K. L., and of those with whom he acts, can lead only to new and more disastrous ravages.

With the veneration which your talents and your principles cannot fail to inspire,

I have the honor to be,

My Lord,

Your Excellency's most dutiful

And devoted Servant,

DECLAN.

NOTES.

Note A, page 15.

So we are told by a clever writer, himself a Milesian, Mr. O'Driscoll. *Essays on Ireland*, vol. ii. Essay on the Gentry.

Note B, page 16.

Dr. Lanigan, in the course of a page and a half at the close of his third volume, enumerates *no less than fourteen* such exploits, and refers to Colgan *for a still longer catalogue*.

Note C, page 16.

The ancient Bishops and Abbots of Ireland were denominated, not after their sees or houses, but after the founders of them. Thus, the Archbishops of Armagh, were called "successors of St. Patrick, the Abbots of Iona, successors of St. Columb," &c. The usurpation, which I have mentioned, of the episcopal office and title, is attested by all our writers. 20. 1a

Note D, page 17.

Wilkins, *Concilia Magnæ Britanniae*, vol. i. There is not, in this, or in any other ancient document relative to the church of Ireland, the least allusion to a distribution of the

tithe, between the bishops, the poor, and the parochial clergy. The bishops were supported by the estates of their sees: the poor had their portion in the bounty of the Abbeyes, they were stript of it by Henry the Eighth, and have since received no compensation. J. K. L. was afraid to assert, *directly*, that this distribution was made in Ireland; but he insinuates it, though not with much dexterity. He says *it was done by Charlemagne*; and what he says may be true, but it is nothing to the purpose — had he said so of Henry the Second, it would have been to the purpose, but it would not have been true.

In page 30, J. K. L. says that the church “possesses domains, which, if ascertained and valued, might appear more than sufficient for her support.” Here again the writer has condescended to be a borrower. The scheme of supporting the church from her own domains, has been proposed of late by various writers. The projectors are not agreed as to the details of the plan, but the outline is, that the see-lands should be let at their full value — that the increase of revenue should be distributed among the parochial clergy, and the tithes sold for the good of the public. This has not been an idle speculation. The survey of the episcopal estates has already commenced, and of five, which have been examined, the report is as follows:

The Primacy would produce £140,000 a year.

Derry	-	-	-	100,000
Kilmore	:	-	-	100,000
Clogher	-	-	-	100,000
Waterford	.	-	-	70,000

To simplify the review of this plan, let us consider but one of the dioceses, suppose the Primacy. If the Primate were allowed 12,000l. a year, he would, under all the circumstances, be very handsomely treated. There would then remain 128,000l. a year, to be distributed among his clergy, that is,

to each rector, more than 2,000l. This is a commutation of tithe, to which the clergy can have but little objection.

But the estates would not produce the estimated sum, unless they were put under *proper management*. Is it meant that the same sums are not produced at present? that the wealth of which they speak, is as the ore of an unwrought mine? The only meaning is, that the tenants of the sees have an interest under their respective landlords, to the full amount of the difference between the value of the lands, and the sums paid to the bishops. When the survey has been completed, and on the same liberal scale that has been used for the five sees above mentioned, this difference will be found *not less than a million*. That is, it will be found that the lay gentry and farmers of Ireland have an interest—and from the nature of a bishop's lease, *a perpetual one*—amounting to a million annually, in the present mode of letting church lands—This interest is to be destroyed by the project under consideration—destroyed *for the good of the public*. But who, in the name of wonder, is this public, for the improvement of whose condition so much anxiety is evinced?

But, to complete the plan, the tithes are to be sold. If so, the purchasers will become tithe-owners, and will naturally strive to profit by their bargains; how then are the farmers to be relieved? The proprietor of the soil, however, "*should be allowed a preference*," as a purchaser of tithe; and he can improve the condition of his people. Very true, and if he be so disposed, he may improve it under the present system—he has only to remit to his tenantry the amount of the tithe. But he wishes to *improve his estate, as well as his tenantry*. That is, he wishes to increase his rent-roll; the improvement of the tenantry will be an after consideration.*

* See Mr. O'Driscoll, Mr. Wakefield, the Edinburgh Review, and the tract on the consumption of Wealth by the Clergy.

